

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MICHAEL KULAKOWSKI,

Plaintiff,

vs.

WESTROCK SERVICES, INC.,

Defendant.

Case Number: 3:16-CV-02510

**Judge Waverly D. Crenshaw, Jr.
Magistrate Judge Alistair Newbern**

DECLARATION OF DONALD TAYLOR

1. My name is Donald Taylor. I am over 18 years of age and the information contained in this declaration is from my own personal knowledge.

2. I currently work for WestRock Services, Inc. ("WestRock") as a forklift driver in Gallatin, Tennessee. I have been with the company for 24 years.

3. I have received a copy of WestRock's employee handbook. I know to report company policy violations using the Company's Compliance Hotline.

4. I am familiar with William "Tommy" Whited. He was General Manager of the Gallatin, Tennessee plant up until late August 2016. I worked with Tommy for over 20 years.

5. I am also familiar with Michael Kulakowski ("Michael"). I currently work with him at the Gallatin, Tennessee plant. I consider Michael a friend. He is a good guy, though sometimes he gets worked up over small things and takes things personally.

6. While Tommy was employed by WestRock, he sometimes engaged in horseplay at work. I do not think there was anything malicious about it, I think Tommy just liked to roughhouse and think of himself as one of the guys. For example, Tommy would flick or back hand slap some

employees in the groin. He only did this to the employees he had worked with for a long time. This included me and Michael.

7. When Tommy hit me, I would hit him back. I did not like being hit, but I knew Tommy was just playing around, and I did not think much of it. All of the other guys, other than Michael, also hit Tommy back.

8. With respect to Michael, it seemed to me that Tommy was also just goofing around. A couple of times, Michael actually laughed when Tommy hit him. I did not really think anything of it at the time. Tommy seemed to be friendly with Michael and at times protected him. There were definitely times when Michael messed up on the job and Tommy could have terminated him but did not. I did not see anything that would make me think Tommy was trying to hurt Michael. He was just goofing around.

9. On one occasion, Michael did tell me he wanted Tommy to stop hitting him. I told Michael that Tommy would quit hitting him if he hit Tommy back a couple of times. Michael would not do so. He was afraid Tommy would terminate him. Tommy did not terminate me or any of the other guys who hit him back but Michael could be a bit paranoid. He had a criminal record and was afraid if he got terminated he would not be able to get another job. Tommy would threaten to fire people when he was upset about people making mistakes on shipments or when he thought the shipping department was not in order. However, he never actually carried through on his threats.

10. I've heard Tommy use curse words while at work, but I did not think anything of it. I have heard Michael, as well as other employees, use similar curse words at work.

11. I understand Michael is now suing WestRock, claiming Tommy sexually harassed him. I did not witness Tommy do anything that I would consider sexual harassment. He definitely

horsed around in a way he should not have but I would not consider his doing so sexual harassment. Michael never mentioned to me that he thought Tommy was sexually harassing him. If he had, I would have told him to make a report. I do not know whether Michael ever reported Tommy to the corporate office, or anyone else.

12. I did overhear Michael tell Larry Eden ("Larry") over the phone that Tommy had hit him. However, Michael did not tell Larry that Tommy was harassing him or state that he thought Tommy's hitting him was sexual harassment. I do not think Michael asked Larry to do anything about Tommy. Michael knew Larry reported to Tommy and was not the type of person to stand up to Tommy.

13. I never saw Tommy do anything to Michael that I consider sexual. Tommy liked women, and fancied himself to be a "ladies man." I have not seen or heard anything that would lead me to believe Tommy had a sexual interest in men or Michael. I have not seen or heard anything that would make me think Tommy hated men or think they should not be in the workforce.

14. No one promised me anything or coerced me in any way to make this declaration. No one has put any pressure on me to say or not say anything whatsoever.

15. In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Signed this 19 day of January, 2018


Donald Taylor